

Suspend the Rules and Pass the Bill, H.R. 4889, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

110TH CONGRESS
2^D SESSION

H. R. 4889

To amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

Mr. FILNER introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The Guard and Reserves
5 Are Fighting Too Act of 2008”.

1 **SEC. 2. RECODIFICATION IN TITLE 38, UNITED STATES**
2 **CODE, OF CERTAIN EDUCATIONAL ASSIST-**
3 **ANCE PROGRAMS FOR MEMBERS OF THE RE-**
4 **SERVE COMPONENTS.**

5 (a) IN GENERAL.—Part III of title 38, United States
6 Code, is amended by inserting after chapter 32 the fol-
7 lowing new chapter:

8 **“CHAPTER 33—EDUCATIONAL ASSIST-**
9 **ANCE FOR MEMBERS OF THE RE-**
10 **SERVE COMPONENTS SUPPORTING**
11 **CONTINGENCY OPERATIONS AND CER-**
12 **TAIN OTHER OPERATIONS**

“Sec.

“3301. Purpose.

“3302. Educational assistance program.

“3303. Accelerated payment of educational assistance.

“3304. Eligibility for educational assistance.

“3305. Time limit for use of entitlement.

“3306. Termination of assistance.

“3307. Administration of program.

13 **“§ 3301. Purpose**

14 “The purpose of this chapter is to provide educational
15 assistance to members of the reserve components called
16 or ordered to active service in response to a war or na-
17 tional emergency declared by the President or Congress,
18 in recognition of the sacrifices that those members make
19 in answering the call to duty.

1 **“§ 3302. Educational assistance program**

2 “(a) PROGRAM ESTABLISHMENT.—The Secretary of
3 each military department, under regulations prescribed by
4 the Secretary of Veterans Affairs, shall establish and
5 maintain a program as prescribed in this chapter to pro-
6 vide educational assistance to members of the Ready Re-
7 serve of the Armed Forces under the jurisdiction of the
8 Secretary concerned.

9 “(b) AUTHORIZED EDUCATION PROGRAMS.—Edu-
10 cational assistance may be provided under this chapter for
11 pursuit of any program of education that is an approved
12 program of education for purposes of chapter 30 of this
13 title.

14 “(c) BENEFIT AMOUNT.—(1) The educational assist-
15 ance program established under subsection (a) shall pro-
16 vide for payment by the Secretary of Veterans Affairs of
17 an educational assistance allowance to each member enti-
18 tled to educational assistance under this chapter who is
19 pursuing a program of education authorized under sub-
20 section (b).

21 “(2) The educational assistance allowance provided
22 under this chapter shall be based on the applicable percent
23 under paragraph (4) to the applicable rate provided under
24 section 3015 of this title for a member whose entitlement
25 is based on completion of an obligated period of active
26 duty of three years.

1 “(3) The educational assistance allowance provided
2 under this section for a person who is undertaking a pro-
3 gram for which a reduced rate is specified in chapter 30
4 of this title, that rate shall be further adjusted by the ap-
5 plicable percent specified in paragraph (4).

6 “(4) The adjusted educational assistance allowance
7 under paragraph (2) or (3), as applicable, shall be—

8 “(A) 40 percent in the case of a member of a
9 reserve component who performed active service for
10 90 consecutive days but less than one continuous
11 year;

12 “(B) 60 percent in the case of a member of a
13 reserve component who performed active service for
14 one continuous year but less than two continuous
15 years; or

16 “(C) 80 percent in the case of a member of a
17 reserve component who performed active service
18 for—

19 “(i) two continuous years or more; or

20 “(ii) an aggregate of three years or more.

21 “(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Sub-
22 ject to section 3695 of this title, the maximum number
23 of months of educational assistance that may be provided
24 to any member under this chapter is 36 (or the equivalent
25 thereof in part-time educational assistance).

1 “(2)(A) Notwithstanding any other provision of this
2 chapter or chapter 36 of this title, any payment of an edu-
3 cational assistance allowance described in subparagraph
4 (B) shall not—

5 “(i) be charged against the entitlement of any
6 individual under this chapter; or

7 “(ii) be counted toward the aggregate period for
8 which section 3695 of this title limits an individual’s
9 receipt of assistance.

10 “(B) The payment of the educational assistance al-
11 lowance referred to in subparagraph (A) is the payment
12 of such an allowance to the individual for pursuit of a
13 course or courses under this chapter if the Secretary of
14 Veterans Affairs finds that the individual—

15 “(i) had to discontinue such course pursuit as
16 a result of being ordered to serve on active duty
17 under section 12301(a), 12301(d), 12301(g), 12302,
18 or 12304 of title 10; and

19 “(ii) failed to receive credit or training time to-
20 ward completion of the individual’s approved edu-
21 cational, professional, or vocational objective as a re-
22 sult of having to discontinue, as described in clause
23 (i), the individual’s course pursuit.

24 “(C) The period for which, by reason of this sub-
25 section, an educational assistance allowance is not charged

1 against entitlement or counted toward the applicable ag-
2 gregate period under section 3695 of this title shall not
3 exceed the portion of the period of enrollment in the
4 course or courses for which the individual failed to receive
5 credit or with respect to which the individual lost training
6 time, as determined under subparagraph (B)(ii).

7 “(e) AVAILABILITY OF ASSISTANCE FOR LICENSING
8 AND CERTIFICATION TESTS.—(1) Subject to paragraph
9 (3), the amount of educational assistance payable under
10 this chapter for a licensing or certification test described
11 in section 3452(b) of this title is the lesser of \$2,000 or
12 the fee charged for the test.

13 “(2) The number of months of entitlement charged
14 in the case of any individual for such licensing or certifi-
15 cation test is equal to the number (including any fraction)
16 determined by dividing the total amount of educational as-
17 sistance paid such individual for such test by the full-time
18 monthly institutional rate of educational assistance which,
19 but for paragraph (1), such individual would otherwise be
20 paid under subsection (c).

21 “(3) In no event shall payment of educational assist-
22 ance under this subsection for such a test exceed the
23 amount of the individual’s available entitlement under this
24 chapter.

1 “(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF
2 EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligi-
3 ble for educational assistance under this section may con-
4 tribute amounts for purposes of receiving an increased
5 amount of educational assistance as provided for in para-
6 graph (2).

7 “(B) An individual covered by subparagraph (A) may
8 make the contributions authorized by that subparagraph
9 at any time while a member of a reserve component, but
10 not more frequently than monthly.

11 “(C) The total amount of the contributions made by
12 an individual under subparagraph (A) may not exceed
13 \$600. Such contributions shall be made in multiples of
14 \$20.

15 “(D) Contributions under this subsection shall be
16 made to the Secretary concerned. Such Secretary shall de-
17 posit any amounts received as contributions under this
18 subsection into the Treasury as miscellaneous receipts.

19 “(2) Effective as of the first day of the enrollment
20 period following the enrollment period in which an indi-
21 vidual makes contributions under paragraph (1), the
22 monthly amount of educational assistance allowance appli-
23 cable to such individual under this section shall be the
24 monthly rate otherwise provided for under subsection (c)
25 increased by—

1 “(A) an amount equal to \$5 for each \$20 con-
2 tributed by such individual under paragraph (1) for
3 an approved program of education pursued on a full-
4 time basis; or

5 “(B) an appropriately reduced amount based on
6 the amount so contributed as determined under reg-
7 ulations that the Secretary of Veterans Affairs shall
8 prescribe, for an approved program of education
9 pursued on less than a full-time basis.

10 “(g) FLIGHT TRAINING.—The Secretary of Veterans
11 Affairs may approve the pursuit of flight training (in addi-
12 tion to a course of flight training that may be approved
13 under section 3680A(b) of this title) by an individual enti-
14 tled to educational assistance under this chapter if—

15 “(1) such training is generally accepted as nec-
16 essary for the attainment of a recognized vocational
17 objective in the field of aviation;

18 “(2) the individual possesses a valid private
19 pilot certificate and meets, on the day the member
20 begins a course of flight training, the medical re-
21 quirements necessary for a commercial pilot certifi-
22 cate; and

23 “(3) the flight school courses meet Federal
24 Aviation Administration standards for such courses

1 and are approved by the Federal Aviation Adminis-
2 tration and the State approving agency.

3 **“§ 3303. Accelerated payment of educational assist-**
4 **ance**

5 “(a) PAYMENT ON ACCELERATED BASIS.—The edu-
6 cational assistance allowance payable under section 3302
7 of this title with respect to an eligible member described
8 in subsection (b) may, upon the election of such eligible
9 member, be paid on an accelerated basis in accordance
10 with this section.

11 “(b) ELIGIBLE MEMBERS.—An eligible member de-
12 scribed in this subsection is a member of a reserve compo-
13 nent entitled to educational assistance under this chapter
14 who is—

15 “(1) enrolled in an approved program of edu-
16 cation not exceeding two years in duration and not
17 leading to an associate, bachelors, masters, or other
18 degree, subject to subsection (g); and

19 “(2) charged tuition and fees for the program
20 of education that, when divided by the number of
21 months (and fractions thereof) in the enrollment pe-
22 riod, exceeds the amount equal to 200 percent of the
23 monthly rate of educational assistance allowance
24 otherwise payable with respect to the member under
25 section 3302 of this title.

1 “(c) AMOUNT OF ACCELERATED PAYMENT.—(1) The
2 amount of the accelerated payment of educational assist-
3 ance payable with respect to an eligible member making
4 an election under subsection (a) for a program of edu-
5 cation shall be the lesser of—

6 “(A) the amount equal to 60 percent of the es-
7 tablished charges for the program of education; or

8 “(B) the aggregate amount of educational as-
9 sistance allowance to which the member remains en-
10 titled under this chapter at the time of the payment.

11 “(2)(A) In this subsection, except as provided in sub-
12 paragraph (B), the term ‘established charges’, in the case
13 of a program of education, means the actual charges (as
14 determined pursuant to regulations prescribed by the Sec-
15 retary of Veterans Affairs) for tuition and fees which simi-
16 larly circumstanced individuals who are not eligible for
17 benefits under this chapter and who are enrolled in the
18 program of education would be required to pay. Estab-
19 lished charges shall be determined on the following basis:

20 “(i) In the case of an individual enrolled in a
21 program of education offered on a term, quarter, or
22 semester basis, the tuition and fees charged the indi-
23 vidual for the term, quarter, or semester.

24 “(ii) In the case of an individual enrolled in a
25 program of education not offered on a term, quarter,

1 or semester basis, the tuition and fees charged the
2 individual for the entire program of education.

3 “(B) In this subsection, the term ‘established
4 charges’ does not include any fees or payments attrib-
5 utable to the purchase of a vehicle.

6 “(3) The educational institution providing the pro-
7 gram of education for which an accelerated payment of
8 educational assistance allowance is elected by an eligible
9 member under subsection (a) shall certify to the Secretary
10 of Veterans Affairs the amount of the established charges
11 for the program of education.

12 “(d) TIME OF PAYMENT.—An accelerated payment
13 of educational assistance allowance made with respect to
14 an eligible member under this section for a program of
15 education shall be made not later than the last day of the
16 month immediately following the month in which the Sec-
17 retary of Veterans Affairs receives a certification from the
18 educational institution regarding—

19 “(1) the member’s enrollment in and pursuit of
20 the program of education; and

21 “(2) the amount of the established charges for
22 the program of education.

23 “(e) CHARGE AGAINST ENTITLEMENT.—(1) Except
24 as provided in paragraph (2), for each accelerated pay-
25 ment of educational assistance allowance made with re-

1 spect to an eligible member under this section, the mem-
2 ber's entitlement to educational assistance under this
3 chapter shall be charged the number of months (and any
4 fraction thereof) determined by dividing the amount of the
5 accelerated payment by the full-time monthly rate of edu-
6 cational assistance allowance otherwise payable with re-
7 spect to the member under section 3302 of this title as
8 of the beginning date of the enrollment period for the pro-
9 gram of education for which the accelerated payment is
10 made.

11 “(2) If the monthly rate of educational assistance al-
12 lowance otherwise payable with respect to an eligible mem-
13 ber under section 3302 of this title increases during the
14 enrollment period of a program of education for which an
15 accelerated payment of educational assistance allowance is
16 made under this section, the charge to the member's enti-
17 tlement to educational assistance under this chapter shall
18 be determined by prorating the entitlement chargeable, in
19 the manner provided for under paragraph (1), for the peri-
20 ods covered by the initial rate and increased rate, respec-
21 tively, in accordance with regulations prescribed by the
22 Secretary.

23 “(f) REGULATIONS.—The Secretary shall prescribe
24 regulations to carry out this section. The regulations shall
25 include requirements, conditions, and methods for the re-

1 quest, issuance, delivery, certification of receipt and use,
2 and recovery of overpayment of an accelerated payment
3 of educational assistance allowance under this section. The
4 regulations may include such elements of the regulations
5 prescribed under section 3014A of this title as the Sec-
6 retary of Veterans Affairs considers appropriate for pur-
7 poses of this section.

8 “(g) LIMITATION.—The aggregate amount of edu-
9 cational assistance payable under this section in any fiscal
10 year for enrollments covered by subsection (b)(1) may not
11 exceed \$3,000,000.

12 **“§ 3304. Eligibility for educational assistance**

13 “(a) ELIGIBILITY.—On or after September 11, 2001,
14 a member of a reserve component is entitled to educational
15 assistance under this chapter if the member—

16 “(1) served on active duty in support of a con-
17 tingency operation for 90 consecutive days or more;
18 or

19 “(2) in the case of a member of the Army Na-
20 tional Guard of the United States or Air National
21 Guard of the United States, performed full time Na-
22 tional Guard duty under section 502(f) of title 32
23 for 90 consecutive days or more when authorized by
24 the President or Secretary of Defense for the pur-

1 pose of responding to a national emergency declared
2 by the President and supported by Federal funds.

3 “(b) DISABLED MEMBERS.—Notwithstanding the eli-
4 gibility requirements in subsection (a), a member who was
5 ordered to active service as prescribed under subsection
6 (a)(1) or (a)(2) but is released from duty before com-
7 pleting 90 consecutive days because of an injury, illness
8 or disease incurred or aggravated in the line of duty shall
9 be entitled to educational assistance under this chapter at
10 the rate prescribed in section 3302(c)(4)(A) of this title.

11 “(c) WRITTEN NOTIFICATION.—(1) Each member
12 who becomes entitled to educational assistance under sub-
13 section (a) shall be given a statement in writing prior to
14 release from active service that summarizes the provisions
15 of this chapter and stating clearly and prominently the
16 substance of section 3306 of this title as such section may
17 apply to the member.

18 “(2) At the request of the Secretary of Veterans Af-
19 fairs, the Secretary of the military department concerned
20 shall transmit a notice of entitlement for each such mem-
21 ber to that Secretary.

22 “(d) BAR FROM DUAL ELIGIBILITY.—A member who
23 qualifies for educational assistance under this chapter may
24 not receive credit for such service under both the program
25 established by chapter 30 of this title and the program

1 established by this chapter but shall make an irrevocable
2 election (in such form and manner as the Secretary of Vet-
3 erans Affairs may prescribe) as to the program to which
4 such service is to be credited.

5 “(e) BAR FROM DUPLICATION OF EDUCATIONAL AS-
6 SISTANCE ALLOWANCE.—(1) Except as provided in para-
7 graph (2), an individual entitled to educational assistance
8 under this chapter who is also eligible for educational as-
9 sistance under subchapter I of this chapter, chapter 30,
10 31, 32, or 35 of this title, or under the Hostage Relief
11 Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note)
12 may not receive assistance under more than one such pro-
13 grams and shall elect (in such form and manner as the
14 Secretary of Veterans Affairs may prescribe) under which
15 program the member elects to receive educational assist-
16 ance.

17 “(2) The restriction on duplication of educational as-
18 sistance under paragraph (1) does not apply to the entitle-
19 ment of educational assistance under section 16131(i) of
20 title 10.

21 **“§ 3305. Time limit for use of entitlement**

22 “(a) DURATION OF ENTITLEMENT.—Except as pro-
23 vided in subsection (b), a member remains entitled to edu-
24 cational assistance under this chapter—

25 “(1) while the member is serving—

1 “(A) in the Selected Reserve of the Ready
2 Reserve, in the case of a member called or or-
3 dered to active service while serving in the Se-
4 lected Reserve; or

5 “(B) in the Ready Reserve, in the case of
6 a member ordered to active duty while serving
7 in the Ready Reserve (other than the Selected
8 Reserve); and

9 “(2) in the case of a person who separates from
10 the Selected Reserve of the Ready Reserve after
11 completion of a period of active service described in
12 section 3304 of this title and completion of a service
13 contract under other than dishonorable conditions,
14 during the 10-year period beginning on the date on
15 which the person separates from the Selected Re-
16 serve.

17 “(b) DURATION OF ENTITLEMENT FOR DISABLED
18 MEMBERS.—(1) In the case of a person who is separated
19 from the Ready Reserve because of a disability which was
20 not the result of the individual’s own willful misconduct
21 incurred on or after the date on which such person became
22 entitled to educational assistance under this chapter, such
23 person’s entitlement to educational assistance expires at
24 the end of the 10-year period beginning on the date on
25 which such person became entitled to such assistance.

1 “(2) The provisions of subsections (d) and (f) of sec-
2 tion 3031 of this title shall apply to the period of entitle-
3 ment prescribed by paragraph (1).

4 **“§ 3306. Termination of assistance**

5 “(a) IN GENERAL.—Except as provided in subsection
6 (b), educational assistance may not be provided under this
7 chapter, or if being provided under this chapter, shall be
8 terminated—

9 “(1) if the member is receiving financial assist-
10 ance under section 2107 of title 10 as a member of
11 the Senior Reserve Officers’ Training Corps pro-
12 gram; or

13 “(2) when the member separates from the
14 Ready Reserve as provided in section 3305(a)(1) of
15 this title, or upon completion of the period provided
16 for in section 3305(a)(2) of this title, as applicable.

17 “(b) EXCEPTION.—Under regulations prescribed by
18 the Secretary of Defense, educational assistance may be
19 provided under this chapter to a member of the Selected
20 Reserve of the Ready Reserve who incurs a break in serv-
21 ice in the Selected Reserve if the member continues to
22 serve in the Ready Reserve during and after such break
23 in service.

1 **“§ 3307. Administration of program**

2 “(a) PAYMENTS.—Payments for educational assist-
3 ance under this chapter shall be made from funds appro-
4 priated or otherwise made available to the Department of
5 Veterans Affairs for fiscal year 2010 or any subsequent
6 fiscal year for the payment of readjustment benefits.

7 “(b) PROGRAM MANAGEMENT.—Except as otherwise
8 provided in this chapter, the provisions of sections 3470,
9 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title
10 and the provisions of subchapters I and II of chapter 36
11 of this title (with the exception of sections 3686(a) and
12 3687) shall be applicable to the provision of educational
13 assistance under this chapter. The term ‘eligible veteran’
14 and the term ‘person’, as used in those provisions, shall
15 be deemed for the purpose of the application of those pro-
16 visions to this chapter to refer to a person eligible for edu-
17 cational assistance under this chapter.”.

18 (b) TRANSFER OF AMOUNTS FOR BENEFITS AC-
19 CRUED BEFORE OCTOBER 1, 2009.—

20 (1) FISCAL YEAR 2010.—By not later than Oc-
21 tober 1, 2009, the Secretary of Defense shall trans-
22 fer to the Secretary of Veterans Affairs from the
23 funds in the Department of Defense Education Ben-
24 efits Fund under section 2006 of title 10, United
25 States Code, that are attributable to armed forces
26 education liabilities under chapter 1607 of such title

1 that accrue before such date, such funds as may be
2 required by the Secretary of Veterans Affairs to
3 make payments with respect to such liabilities dur-
4 ing fiscal year 2010. Such amounts shall be depos-
5 ited into the education account of the Readjustment
6 Benefits Account of the Department of Veterans Af-
7 fairs and shall be available to the Secretary of Vet-
8 erans Affairs to make payments of educational as-
9 sistance under chapter 33 of title 38, United States
10 Code, as added by subsection (a).

11 (2) AGREEMENT FOR SUBSEQUENT FISCAL
12 YEARS.—By not later than October 1, 2009, the
13 Secretary of Defense and the Secretary of Veterans
14 Affairs shall enter into an agreement under which
15 the Secretary of Defense shall transfer to the Sec-
16 retary of Veterans Affairs all remaining funds in the
17 Department of Defense Education Benefits Fund
18 under section 2006 of title 10, United States Code,
19 that are attributable to armed forces liabilities under
20 chapter 1607 of such title that accrue before such
21 date. Such amounts shall be deposited into the edu-
22 cation account of the Readjustment Benefits Ac-
23 count of the Department of Veterans Affairs and
24 shall be available to the Secretary of Veterans Af-
25 fairs to make payments of educational assistance

1 under chapter 33 of title 38, United States Code, as
2 added by subsection (a).

3 (3) REPORT.—By not later than October 1,
4 2009, the Secretary of Defense shall submit to the
5 congressional defense committees, the Committee on
6 Veterans Affairs of the Senate, and the Committee
7 on Veterans Affairs of the House of Representatives
8 a detailed report on the agreement between the Sec-
9 retary of Defense and the Secretary of Veterans Af-
10 fairs and the status of the transfer of funds de-
11 scribed in paragraph (2). Such report shall include
12 the date on which the Secretary of Defense has
13 agreed to complete such transfer.

14 (c) CLERICAL AMENDMENTS.—The tables of chap-
15 ters at the beginning of title 38, United States Code, and
16 at the beginning of part III of such title, are each amend-
17 ed by inserting after the item relating to chapter 32 the
18 following new item:

“33. Educational Assistance for Members of the Reserve Components
Supporting Contingency Operations and Certain Other
Operations 3301”.

19 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) CONFORMING AMENDMENTS ON BAR ON
21 DUAL ELIGIBILITY FOR BENEFITS.—

22 (A) Section 3033 of title 38, United States
23 Code, is amended—

1 (i) in subsection (a)(1), by striking
2 “chapter 31, 32, or 35 of this title, under
3 chapter 106 or 107 of title 10” and insert-
4 ing “chapter 31, 32, 33, or 35 of this title,
5 under chapter 107 or 1606 of title 10”;
6 and

7 (ii) in subsection (c), by striking
8 “chapter 106 of title 10” and inserting
9 “chapter 1606 of title 10”.

10 (B) Section 3221(f) of such title is amend-
11 ed by striking “chapter 106 of title 10” and in-
12 serting “chapter 1606 of title 10”.

13 (C) Section 3681 of such title is amend-
14 ed—

15 (i) in subsection (a), by striking “34,
16 35, or 36 of this title or 106 or 107 of title
17 10,” and inserting “33, 34, 35, or 36 of
18 this title or chapter 107 or 1606 of title
19 10”; and

20 (ii) in subsection (b)—

21 (I) in paragraph (1), by inserting
22 after “32,” the following: “33,”; and

23 (II) in paragraph (2), by striking
24 “Chapters 106 and 107” and insert-
25 ing “Chapters 107 and 1606”.

1 (2) CONFORMING AMENDMENTS RELATING TO
2 DEPARTMENT OF DEFENSE EDUCATION BENEFITS
3 FUND.—

4 (A) DEFINITION OF ARMED FORCES EDU-
5 CATION LIABILITIES.—Paragraph (1) of section
6 2006(b) of title 10, United States Code, is
7 amended to read as follows:

8 “(1) The term ‘armed forces education liabil-
9 ities’ means liabilities of the armed forces for bene-
10 fits under chapter 30 and of title 38 and for Depart-
11 ment of Defense benefits under paragraphs (3) and
12 (4) of section 510(e) and chapter 1606 of this title,
13 including funds provided by the Secretary of Home-
14 land Security for education liabilities for the Coast
15 Guard when it is not operating as a service in the
16 Department of the Navy.”.

17 (B) DEFINITION OF NORMAL COST.—Para-
18 graph (2) of such section is amended by strik-
19 ing subparagraph (C) and inserting the fol-
20 lowing new subparagraph:

21 “(C) The present value of the future De-
22 partment of Defense benefits payable from the
23 Fund (including funds from the Department in
24 which the Coast Guard is operating) for edu-
25 cational assistance under chapter 1606 of this

1 title to persons who during such period become
2 entitled to such assistance.”.

3 (3) ADDITIONAL TECHNICAL AND CONFORMING
4 AMENDMENTS.—

5 (A) TITLE 38, UNITED STATES CODE.—

6 (i) Section 3485 of title 38, United
7 States Code, is amended—

8 (I) in subsection (a)(4)(E), by
9 striking “or 1607”;

10 (II) in subsection (b), by striking
11 “chapter 30, 31, 32, or 34 of this title
12 or chapter 1606 or 1607 of title 10,”
13 and inserting “chapter 30, 31, 32, 33,
14 or 34 of this title or chapter 1606 of
15 title 10,”; and

16 (III) in subsection (e)(1)—

17 (aa) by striking “, chapter
18 30, 31, 32, 35, or 36 of this title,
19 or chapter 1606 or 1607 of title
20 10” and inserting “or chapter
21 30, 31, 32, 33, 35, or 36 of this
22 title or chapter 1606 of title 10”;
23 and

1 (bb) by striking “section
2 2135” and inserting “section
3 16135”.

4 (ii) Section 3672(c) of such title is
5 amended—

6 (I) in paragraph (3)(A), by strik-
7 ing “chapters 30 and 35 of this title”
8 and inserting “chapters 30, 33, and
9 35 of this title”; and

10 (II) in paragraph (4), by striking
11 “chapter 30 or 35 of this title” and
12 inserting “chapter 30, 33, or 35 of
13 this title”.

14 (iii) Section 3674 of such title is
15 amended—

16 (I) in subsection (a)(1), by strik-
17 ing “chapter 106” and inserting
18 “chapter 1606”; and

19 (II) in subsection (c), by insert-
20 ing “33,” after “32,”.

21 (iv) Section 3680A(d)(1) of such title
22 is amended—

23 (I) by striking “chapter 106”
24 each place it appears and inserting
25 “chapter 1606”; and

1 (II) by inserting “, 33” after
2 “32”.

3 (v) Section 3684A(a)(1) of such title
4 is amended by striking “chapter 30 or 32
5 of this title or in chapter 106” and insert-
6 ing “chapter 30, 32, or 33 of this title or
7 in chapter 1606”.

8 (vi) Section 3688(b) of such title is
9 amended by striking “, chapter 30, 32, or
10 35 of this title, or chapter 106” and in-
11 sserting “or chapter 30, 32, 33, or 35 of
12 this title, or chapter 1606”.

13 (vii) Section 3689 of such title is
14 amended by inserting “33,” after “32,”
15 each place it appears.

16 (viii) Section 3692 of such title is
17 amended—

18 (I) in subsection (a), by striking
19 “or 35 of this title” and inserting
20 “33, or 35 of this title”; and

21 (II) in subsection (b), by striking
22 “, chapters 30, 32, and 35 of this
23 title” and inserting “and chapters 30,
24 32, 33, and 35 of this title”.

1 (ix) Section 3695(a) of such title is
2 amended—

3 (I) by striking paragraph (4) and
4 inserting the following new paragraph
5 (4):

6 “(4) Chapters 30, 32, 33, 34, 35, and 36 of
7 this title.”; and

8 (II) in paragraph (5), by striking
9 “1607,”.

10 (x) Section 3697(a) of such title is
11 amended by striking “chapter 30, 32, 34,
12 or 35 of this title, or chapter 106” and in-
13 serting “chapter 30, 32, 33, 34, or 35 of
14 this title or chapter 1606”.

15 (xi) Section 3697A(b)(1) of such title
16 is amended by striking “or 32 of this title
17 or chapter 106 or 107” and inserting “32,
18 or 33 of this title or chapter 107 or 1606”.

19 (B) TITLE 10, UNITED STATES CODE.—
20 Section 510(h)(1) of title 10, United States
21 Code, is amended—

22 (i) in subparagraph (A), by inserting
23 “or chapter 33” after “chapter 30”; and

1 (ii) in subparagraph (B), by striking
2 “either such chapter” each place it appears
3 and inserting “any such chapter”;
4 (e) **EFFECTIVE DATE.**—This section and the amend-
5 ments made by this section shall take effect on October
6 1, 2009.